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Attorney for Plaintiffs  
*Frias Holding Company*  
*and Mark A. James*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FRIAS HOLDING COMPANY, a Nevada ) corporation; and MARK A. JAMES, an ) individual, ) ) Plaintiffs, ) ) vs. ) ) GREENBERG TRAURIG, LLP, a Nevada ) limited liability partnership; GREENBERG ) TRAURIG, P.A., a Florida professional ) association; SCOTT D. BERTZYK, an ) individual; DOES 1 through X; and ROE ) ENTITIES XI through XX, inclusive, ) ) Defendants. ) ) <hr style="width: 100%;"/>	Case No. 2:11-cv-00160-GMN-VCF  <b>STIPULATION AND [PROPOSED]                  ORDER CONCERNING THE                  DEPOSITION OF PHYLLIS FRIAS                  AND PLAINTIFFS’                  FORTHCOMING MOTION FOR                  PROTECTIVE ORDER</b>
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Plaintiffs Frias Holding Company (“FHC”) and Mark A. James (“Plaintiffs”), through Daniel R. McNutt and Matthew C. Wolf of the law firm Carbajal & McNutt, and Defendants Greenberg Taurig LLP, Greenberg Taurig P.A., and Scott D. Bertzyk (“Defendants”), through Kirk B. Lenhard of the law firm Brownstein Hyatt Farber & Schreck and Dylan Ruga of the law firm Steptoe & Johnson, (collectively, “the Parties”) hereby stipulate and agree as follows:

1. **Whereas**, Defendants wish to depose nonparty Phyllis Frias.
2. **Whereas**, Plaintiffs contend Defendants are not entitled to depose Ms. Frias.
3. **Whereas**, following an unsuccessful attempt by the Parties to resolve their discovery

1 disputes via several telephonic conferences and emails, Defendants executed a subpoena noticing  
2 Ms. Frias' deposition for May 28, 2015, at 10:00 a.m. in Las Vegas, Nevada.

3 4. **Whereas**, Plaintiffs have informed Defendants they intend to file a motion for a  
4 protective order concerning the deposition of Ms. Frias.

5 **WHEREFORE**, the Parties stipulate and agree as follows:

- 6 1. Plaintiffs shall file their motion for protective order no later than May 20, 2015.  
7 2. Defendants shall file their opposition no later than May 27, 2015.  
8 3. Plaintiffs shall file their reply no later than June 3, 2015.  
9 4. Defendants agree to withdraw the subpoena to depose Ms. Frias on May 28, 2015,  
10 and will refrain from serving another subpoena to depose Ms. Frias until this Court rules upon  
11 Plaintiffs' forthcoming motion.  
12

13 Dated May 12, 2015.

Dated May 12, 2015.

14 /s/ Daniel McNutt  
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*Attorneys for Defendants*

22 **IT IS SO ORDERED:**



UNITED STATES MAGISTRATE JUDGE

23  
24 DATED: May 12, 2015